

Planning Commission Important Topics

courtesy of CBJ Law Department

Open Meetings Act,
Public Records Act
& Conflict of Interest

Open Meetings Act (OMA)

A.S. 29.20.020, A.S. 44.62.310, Charter 3.12(d)

- ❖ All meetings to be public – ensures deliberations and decisions of a board, committee, or commission are done in public.
- ❖ Public have an opportunity to comment at regular and special meetings
- ❖ Executive session (very limited on topics – mainly litigation related or other confidential item)

OMA - Best Practices

- ❖ Minimize private discussions, even during a break in the public meeting. 3 members max during a discussion.
- ❖ Do not group text message about meeting topics.
- ❖ Do not text more than two other members at a time. (for committees of less than 5, that number will be less)
Remember – you can talk to 2 others... but cannot play a game of “telephone” with other members about a topic.
- ❖ “Serial” meetings: Avoid using “reply all” in any email.
- ❖ Reasonable notice of meeting. - *24 hrs is absolute min.*

If you violate - cure by completely redoing any actions.

Public Records Act

- **A.S. 40.25.110, Charter 15.7, CBJ 01.70**
- Two big rules:
 - 1) Every person has the right to inspect public record unless an exception applies.
 - 2) Strong presumption in favor of disclosure

Applies to emails, texts, documents, even if on your personal devices (phones, ipads, computers, etc)

Conflict of Interest

You are a municipal officer – see **01.45.005 – 01.45.360**

You are prohibited from using your position to:

- ❖ Gain a benefit
- ❖ Secure employment or contracts
- ❖ **Take or withhold action if you have P/F interest**
- ❖ Use CBJ time or equipment for P/F interest
- ❖ **Vote or deliberate if you have a P/F interest**

Best Practice

- ❖ If in doubt, contact the attorney, before the meeting.
 - If you act consistent with attorney advice, then you are immune from personal liability - CBJ 01.45.145(b)
- ❖ Close calls: go ahead and disclose in meeting. The board can vote to determine if it is a conflict, wherein you would remove yourself from the table for those deliberations and discussions.
*(The chair can ask if there are any members that believe there is a conflict. **Note – these are the close calls, not the clear conflicts.**)*